

FIRST REGULAR SESSION
[CORRECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
**SENATE BILL NOS. 248, 100, 118, 233,
247, 341 & 420**
92ND GENERAL ASSEMBLY

Reported from the Committee on Retirement May 9, 2003, with recommendation that the House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill Nos. 248, 100, 118, 233, 247, 341 & 420 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

0858L.12C

AN ACT

To repeal sections 56.807, 84.140, 86.690, 104.010, 104.040, 104.110, 104.271, 104.340, 104.370, 104.460, 104.517, 104.1003, 104.1021, 104.1024, 104.1051, 104.1072, 104.1084, 104.1093, and 287.845, RSMo, and to enact in lieu thereof twenty-six new sections relating to the retirement systems and benefits, with penalty provisions and an emergency clause for certain sections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 56.807, 84.140, 86.690, 104.010, 104.040, 104.110, 104.271, 104.340, 104.370, 104.460, 104.517, 104.1003, 104.1021, 104.1024, 104.1051, 104.1072, 104.1084, 104.1093, and 287.845, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 56.807, 84.140, 86.394, 86.445, 86.676, 86.690, 104.010, 104.040, 104.110, 104.271, 104.340, 104.370, 104.460, 104.517, 104.806, 104.1003, 104.1021, 104.1024, 104.1051, 104.1072, 104.1084, 104.1093, 287.845, 488.026, 1, and 2, to read as follows:

56.807. 1. **Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003,** the funds for prosecuting attorneys and circuit attorneys provided for in

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

3 subsection 2 of this section shall be paid from county or city funds.

4 2. Beginning [thirty days after the establishment of this system] **August 29, 1989**, and
5 **continuing** monthly thereafter **until August 27, 2003**, each county treasurer shall pay to the
6 system the following amounts to be drawn from the general revenues of the county:

7 (1) For counties of the third and fourth classification except as provided in subdivision
8 (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars and
10 sixty-seven cents;

11 (3) For counties of the first classification, counties which pursuant to section 56.363
12 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or
13 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of
14 section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and
15 sixty-seven cents.

16 3. The county treasurer shall at least monthly transmit the sums specified in subsection
17 2 of this section to the Missouri office of prosecution services for deposit to the credit of the
18 "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund", which is
19 hereby created. All moneys held by the state treasurer on behalf of the system shall be paid to
20 the system within ninety days after August 28, 1993. Moneys in the Missouri prosecuting
21 attorneys and circuit attorneys' retirement system fund shall be used only for the purposes
22 provided in sections 56.800 to 56.840 and for no other purpose.

23 4. The board may accept gifts, donations, grants and bequests from private or public
24 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

25 5. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840
26 unless provided for by law.

84.140. The boards may grant every member of the police force who has served for one
2 year or more a total of three weeks vacation each year with pay, and each member of the police
3 force who has served the department for twelve years or more may receive four weeks vacation
4 each year with pay, and each member of the police force who has served the department for
5 twenty-one years or more shall receive five weeks vacation each year with pay, **and each**
6 **member of the police force who has served the department for thirty years or more and is**
7 **eligible to participate in the deferred retirement option plan shall receive six weeks**
8 **vacation each year with pay**; however the board may grant an additional week of paid vacation
9 to members after one year of service. All members of the police force may receive fifteen
10 holidays with pay, however the board may grant additional holidays with pay, and one hundred
11 four days off duty each year with pay, and the boards may from time to time grant additional days
12 off duty each year with pay when in the judgment of the boards, the granting thereof will not

13 materially impair the efficiency of the department.

86.394. Each member of the retirement board who is in active service with the police department of a city as either a police officer, as defined in section 86.370, or as an employee, as defined in section 86.600, shall be granted authorized leave with pay by such police department to attend any and all educational seminars and like functions that have been authorized by the retirement board, including travel time to and from such functions, not to exceed ten days in any calendar year. Leave granted under this section shall not reduce vacation or other authorized leave time to which such member may be entitled without reference to this section.

86.445. If a city and the police department of such city adopt any program of incentives to authorize or encourage early retirements, whether for employees not yet eligible for regular retirement or for employees who are eligible but have not yet chosen to retire or for both, the retirement board shall be authorized to administer and pay such incentives for retirees who accept such incentives and are members of this retirement system pursuant to sections 86.370 to 86.497, in addition to such other benefits as such members or their beneficiaries are entitled to receive pursuant to sections 86.370 to 86.497 provided such city shall so request and shall agree to increase the city's contribution pursuant to section 86.477 sufficiently to provide the full actuarial cost of any such incentives in addition to the contribution required of such city necessary, in conjunction with members' contributions pursuant to section 86.470, to provide all other benefits provided pursuant to sections 86.370 to 86.497.

86.676. If a city and the police department of such city adopt any program of incentives to authorize or encourage early retirements, whether for employees not yet eligible for regular retirement or for employees who are eligible but have not yet chosen to retire or for both, the retirement board shall be authorized to administer and pay such incentives for retirees who accept such incentives and are members of this retirement system pursuant to sections 86.600 to 86.790, in addition to such other benefits as such members or their beneficiaries are entitled to receive pursuant to sections 86.600 to 86.790, provided such city shall so request and shall agree to increase said city's contribution pursuant to section 86.760 sufficiently to provide the full actuarial cost of any such incentives in addition to the contribution required of such city necessary, in conjunction with members' contribution pursuant to section 86.760, to provide all other benefits provided pursuant to sections 86.600 to 86.790.

86.690. 1. Upon death after August 28, 2001, of a member for any cause prior to retirement, the following amounts shall be payable subject to subsection 5 of this section, as full and final settlement of any and all claims for benefits under this retirement system:

4 (1) If the member has less than five years of creditable service, the member's surviving
5 spouse shall be paid, in a lump sum, the amount of accumulated contributions and interest. If
6 there be no surviving spouse, payment shall be made to the member's designated beneficiary, or
7 if none, to the executor or administrator of the member's estate.

8 (2) If the member has at least five, but less than twenty years of creditable service, the
9 member's surviving spouse may elect, in lieu of the lump sum settlement in subdivision (1) of
10 this subsection, an annuity. Such annuity shall be one-half of the member's accrued annuity at
11 date of death as computed in section 86.650. The effective date of the election shall be the latter
12 of the first day of the month after the member's death or attainment of what would have been the
13 member's early retirement date as provided in section 86.660.

14 (3) If the member has at least twenty years of creditable service, the member's surviving
15 spouse may elect, in lieu of the lump sum settlement in subdivision (1) of this subsection, the
16 larger of the annuity as computed in subdivision (2) of this subsection or an annuity determined
17 on a joint and survivor's basis from the actuarial value of the member's accrued annuity at date
18 of death.

19 (4) Any death of a retired member occurring before the date of first payment of the
20 retirement annuity shall be deemed to be a death before retirement.

21 (5) Benefits payable pursuant to this section shall continue for the lifetime of such
22 surviving spouse without regard to remarriage.

23 (6) No surviving spouse of a member who dies in service after August 28, 2001, shall
24 be entitled to receive any benefits pursuant to sections 86.600 to 86.790 unless such spouse was
25 married to the member at the time of the member's death in service.

26 2. Upon death following retirement for any cause after August 28, 2001, of a member
27 who has not elected the optional annuity pursuant to section 86.650, the member's surviving
28 spouse shall receive a pension payable for life, equaling one-half of the member's normal
29 retirement allowance, computed under section 86.650, as of the member's actual retirement date,
30 subject to adjustments provided in subsection 5 of section 86.675, if any; provided, no surviving
31 spouse of a member who retires after August 28, 2001, shall be entitled to receive any benefits
32 pursuant to sections 86.600 to 86.790 unless such spouse was married to the member at the time
33 of the member's retirement. Any surviving spouse who was married to such a member at the
34 time of the member's retirement shall be entitled to all benefits for surviving spouses pursuant
35 to sections 86.600 to 86.790 for the life of such surviving spouse without regard to remarriage.
36 If there be no surviving spouse, payment of the member's accumulated contributions less the
37 amount of any prior payments from the retirement system to the member or to any beneficiary
38 of the member shall be made to the member's designated beneficiary or, if none, to the personal
39 representative of the member's estate.

40 3. Any surviving spouse of a member who dies in service or retired prior to August 28,
41 2001, who otherwise qualifies for benefits pursuant to subsection 1 or 2 of this section and who
42 has not remarried prior to August 28, 2001, but remarries thereafter, shall upon application to
43 the retirement board be appointed by the retirement board as a special consultant on the problems
44 of retirement, aging and other matters, and upon request of the retirement board shall give
45 opinions in writing or orally in response to such requests, as may be required. For such services,
46 such surviving spouse shall be compensated in an amount equal to the benefits such spouse
47 would have received pursuant to sections 86.600 to 86.790 in the absence of such remarriage.

48 4. Should the total amount paid from the retirement system to a member, the member's
49 surviving spouse [and], any other beneficiary of the member, **and the funeral benefit under**
50 **subsection 6 of this section** be less than the member's accumulated contributions, an amount
51 equal to such difference shall be paid to the member's designated beneficiary or, if none, to the
52 personal representative of the member's estate, and such payment shall constitute full and final
53 payment of any and all claims for benefits under the retirement system.

54 5. Any beneficiary of benefits pursuant to sections 86.600 to 86.790 who becomes the
55 surviving spouse of more than one member shall be paid all benefits due a surviving spouse of
56 that member whose entitlements produce the largest surviving spouse benefits for such
57 beneficiary but shall not be paid surviving spouse benefits as the surviving spouse of more than
58 one member, except that any surviving spouse for whom an election has been made for an
59 optional annuity under subsection 2 of section 86.650 shall be entitled to every annuity for which
60 such surviving spouse has so contracted.

61 **6. Upon receipt of the proper proof of death of a member in service after August**
62 **28, 2003, or the death of a member in service on or after August 28, 2003, who dies after**
63 **having been retired and pensioned, there shall be paid in addition to all other benefits a**
64 **funeral benefit of one thousand dollars.**

 104.010. 1. The following words and phrases as used in sections 104.010 to 104.800,
2 unless a different meaning is plainly required by the context, shall mean:

3 (1) "Accumulated contributions", the sum of all deductions for retirement benefit
4 purposes from a member's compensation which shall be credited to the member's individual
5 account and interest allowed thereon;

6 (2) "Active armed warfare", any declared war, or the Korean or Vietnamese Conflict;

7 (3) "Actuarial equivalent", a benefit which, when computed upon the basis of actuarial
8 tables and interest, is equal in value to a certain amount or other benefit;

9 (4) "Actuarial tables", the actuarial tables approved and in use by a board at any given
10 time;

11 (5) "Actuary", the actuary who is a member of the American Academy of Actuaries or

12 who is an enrolled actuary under the Employee Retirement Income Security Act of 1974 and who
13 is employed by a board at any given time;

14 (6) "Annuity", annual payments, made in equal monthly installments, to a retired
15 member from funds provided for in, or authorized by, this chapter;

16 (7) "Average compensation", the average compensation of a member for the thirty-six
17 consecutive months of service prior to retirement when the member's compensation was greatest;
18 or if the member is on workers' compensation leave of absence or a medical leave of absence due
19 to an employee illness, the amount of compensation the member would have received may be
20 used, as reported and verified by the employing department; or if the member had less than
21 thirty-six months of service, the average annual compensation paid to the member during the
22 period up to thirty-six months for which the member received creditable service when the
23 member's compensation was the greatest; or if the member is on military leave, the amount of
24 compensation the member would have received may be used as reported and verified by the
25 employing department or, if such amount is not determinable, the amount of the employee's
26 average rate of compensation during the twelve-month period immediately preceding such period
27 of leave, or if shorter, the period of employment immediately preceding such period of leave;

28 (8) "Beneficiary", any person entitled to or nominated by a member or retiree who may
29 be legally entitled to receive benefits pursuant to this chapter;

30 (9) "Biennial assembly", the completion of no less than two years of creditable service
31 or creditable prior service by a member of the general assembly;

32 (10) "Board of trustees", "board", or "trustees", a board of trustees as established for the
33 applicable system pursuant to this chapter;

34 (11) "Chapter", sections 104.010 to 104.800;

35 (12) "Compensation":

36 (a) All salary and wages payable out of any state, federal, trust, or other funds to an
37 employee for personal services performed for a department; but including only amounts for
38 which contributions have been made in accordance with section 104.436, or section 104.070,
39 whichever is applicable, and excluding any nonrecurring single sum payments or amounts paid
40 after the member's termination of employment unless such amounts paid after such termination
41 are a final installment of salary or wages at the same rate as in effect immediately prior to
42 termination of employment in accordance with a state payroll system adopted on or after January
43 1, 2000, or any other one-time payments made as a result of such payroll system;

44 (b) All salary and wages which would have been payable out of any state, federal, trust
45 or other funds to an employee on workers' compensation leave of absence during the period the
46 employee is receiving a weekly workers' compensation benefit, as reported and verified by the
47 employing department;

48 (c) Effective December 31, 1995, compensation in excess of the limitations set forth in
49 Internal Revenue Code Section 401(a)(17) shall be disregarded. The limitation on compensation
50 for eligible employees shall not be less than the amount which was allowed to be taken into
51 account under the system as in effect on July 1, 1993. For this purpose, an "eligible employee"
52 is an individual who was a member of the system before the first plan year beginning after
53 December 31, 1995;

54 (13) "Consumer price index", the Consumer Price Index for All Urban Consumers for
55 the United States, or its successor index, as approved by a board, as such index is defined and
56 officially reported by the United States Department of Labor, or its successor agency;

57 (14) "Creditable prior service", the service of an employee which was either rendered
58 prior to the establishment of a system, or prior to the date the employee last became a member
59 of a system, and which is recognized in determining the member's eligibility and for the amount
60 of the member's benefits under a system;

61 (15) "Creditable service", the sum of membership service and creditable prior service,
62 to the extent such service is standing to a member's credit as provided in this chapter; except that
63 in no case shall more than one day of creditable service or creditable prior service be credited any
64 member for any one calendar day of eligible service credit as provided by law;

65 (16) "Deferred normal annuity", the annuity payable to any former employee who
66 terminated employment as an employee or otherwise withdrew from service with a vested right
67 to a normal annuity, payable at a future date;

68 (17) "Department", any department or agency of the executive, legislative or judicial
69 branch of the state of Missouri receiving state appropriations, including allocated funds from the
70 federal government but not including any body corporate or politic unless its employees are
71 eligible for retirement coverage from a system pursuant to this chapter as otherwise provided by
72 law;

73 (18) "Disability benefits", benefits paid to any employee while totally disabled as
74 provided in this chapter;

75 (19) "Early retirement age", a member's attainment of fifty-five years of age and the
76 completion of ten or more years of creditable service, except for uniformed members of the water
77 patrol;

78 (20) "Employee":

79 (a) Any elective or appointive officer or person employed by the state who is employed,
80 promoted or transferred by a department into a new or existing position and earns a salary or
81 wage in a position normally requiring the performance by the person of duties during not less
82 than one thousand hours per year, including each member of the general assembly but not
83 including any patient or inmate of any state, charitable, penal or correctional institution.

84 Beginning September 1, 2001, the term "year" as used in this subdivision shall mean the
85 twelve-month period beginning on the first day of employment. However, persons who are
86 members of the public school retirement system and who are employed by a state agency other
87 than an institution of higher learning shall be deemed employees for purposes of participating
88 in all insurance programs administered by a board established pursuant to section 104.450. This
89 definition shall not exclude any employee as defined in this subdivision who is covered only
90 under the federal Old Age and Survivors' Insurance Act, as amended. As used in this chapter,
91 the term "employee" shall include:

92 a. Persons who are currently receiving annuities or other retirement benefits from some
93 other retirement or benefit fund, so long as they are not simultaneously accumulating creditable
94 service in another retirement or benefit system which will be used to determine eligibility for or
95 the amount of a future retirement benefit;

96 b. Persons who have elected to become or who have been made members of a system
97 pursuant to section 104.342;

98 (b) Any person who has performed services in the employ of the general assembly or
99 either house thereof, or any employee of any member of the general assembly while acting in the
100 person's official capacity as a member, and whose position does not normally require the person
101 to perform duties during at least one thousand hours per year, with a month of service being any
102 monthly pay period in which the employee was paid for full-time employment for that monthly
103 period;

104 (c) "Employee" does not include special consultants employed pursuant to section
105 104.610;

106 (d) As used in this chapter, the hours governing the definition of employee shall be
107 applied only from August 13, 1988, forward;

108 (e) The system shall consider a person who is employed in multiple positions
109 simultaneously within a single agency to be working in a single position for purposes of
110 determining whether the person is an employee as defined in this subdivision;

111 (21) "Employer", a department of the state;

112 (22) "Executive director", the executive director employed by a board established
113 pursuant to the provisions of this chapter;

114 (23) "Fiscal year", the period beginning July first in any year and ending June thirtieth
115 the following year;

116 (24) "Full biennial assembly", the period of time beginning on the first day the general
117 assembly convenes for a first regular session until the last day of the following year;

118 (25) "Fund", the benefit fund of a system established pursuant to this chapter;

119 (26) "Interest", interest at such rate as shall be determined and prescribed from time to

120 time by a board;

121 (27) "Member", as used in sections 104.010 to 104.272 or [104.600] **104.601** to 104.800
122 shall mean a member of the highways and transportation employees' and highway patrol
123 retirement system without regard to whether or not the member has been retired. "Member", as
124 used in this section and sections 104.312 to 104.800, shall mean a member of the Missouri state
125 employees' retirement system without regard to whether or not the member has been retired;

126 (28) "Membership service", the service after becoming a member that is recognized in
127 determining a member's eligibility for and the amount of a member's benefits under a system;

128 (29) "Military service", all active service performed in the United States Army, Air
129 Force, Navy, Marine Corps, Coast Guard, and members of the United States Public Health
130 Service or any women's auxiliary thereof; and service in the Army national guard and Air
131 national guard when engaged in active duty for training, inactive duty training or full-time
132 national guard duty, and service by any other category of persons designated by the President in
133 time of war or emergency;

134 (30) "Normal annuity", the annuity provided to a member upon retirement at or after the
135 member's normal retirement age;

136 (31) "Normal retirement age", an employee's attainment of sixty-five years of age and
137 the completion of four years of creditable service or the attainment of age sixty-five years of age
138 and the completion of five years of creditable service by a member who has terminated
139 employment and is entitled to a deferred normal annuity or the member's attainment of age sixty
140 and the completion of fifteen years of creditable service, except that normal retirement age for
141 uniformed members of the highway patrol shall be fifty-five years of age and the completion of
142 four years of creditable service and uniformed employees of the water patrol shall be fifty-five
143 years of age and the completion of four years of creditable service or the attainment of age
144 fifty-five and the completion of five years of creditable service by a member of the water patrol
145 who has terminated employment and is entitled to a deferred normal annuity and members of the
146 general assembly shall be fifty-five years of age and the completion of three full biennial
147 assemblies. Notwithstanding any other provision of law to the contrary, a member of the
148 highways and transportation employees' and highway patrol retirement system or a member of
149 the Missouri state employees' retirement system shall be entitled to retire with a normal annuity
150 and shall be entitled to elect any of the survivor benefit options and shall also be entitled to any
151 other provisions of this chapter that relate to retirement with a normal annuity if the sum of the
152 member's age and creditable service equals eighty years or more and if the member is at least
153 [fifty] **forty-eight** years of age;

154 (32) "Payroll deduction", deductions made from an employee's compensation;

155 (33) "Prior service credit", the service of an employee rendered prior to the date the

156 employee became a member which service is recognized in determining the member's eligibility
157 for benefits from a system but not in determining the amount of the member's benefit;

158 (34) "Reduced annuity", an actuarial equivalent of a normal annuity;

159 (35) "Retiree", a member who is not an employee and who is receiving an annuity from
160 a system pursuant to this chapter;

161 (36) "System" or "retirement system", the highways and transportation employees' and
162 highway patrol retirement system, as created by sections 104.010 to 104.270, or sections
163 [104.600] **104.601** to 104.800, or the Missouri state employees' retirement system as created by
164 sections 104.320 to 104.800;

165 (37) "Uniformed members of the highway patrol", the superintendent, lieutenant colonel,
166 majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the
167 Missouri state highway patrol who normally appear in uniform;

168 (38) "Uniformed members of the water patrol", employees of the Missouri state water
169 patrol of the department of public safety who are classified as water patrol officers who have
170 taken the oath of office prescribed by the provisions of chapter 306, RSMo, and who have those
171 peace officer powers given by the provisions of chapter 306, RSMo;

172 (39) "Vesting service", the sum of a member's prior service credit and creditable service
173 which is recognized in determining the member's eligibility for benefits under the system.

174 2. Benefits paid pursuant to the provisions of this chapter shall not exceed the limitations
175 of Internal Revenue Code Section 415, the provisions of which are hereby incorporated by
176 reference.

104.040. 1. Any member shall be entitled to creditable prior service within the meaning
2 of sections 104.010 to 104.270 for all service in the United States Army, Navy, or other armed
3 services of the United States, or any women's auxiliary thereof in time of active armed warfare,
4 if such member was a state employee immediately prior to his or her entry into the armed
5 services and became an employee of the state within ninety days after termination of such service
6 by an honorable discharge or release to inactive status; the requirement of section 104.010 of
7 duties during not less than one thousand hours for status as an "employee" shall not apply to
8 persons who apply for creditable prior service pursuant to the provisions of this section.

9 2. Any member of the system who served as an employee prior to the original effective
10 date of sections 104.010 to 104.270, but was not an employee on that date, shall be entitled to
11 creditable prior service that such member would have been entitled to had such member become
12 a member of the retirement system on the date of its inception if such member has, or hereafter
13 attains, one year of continuous membership service.

14 3. Any employee who completes one continuous year of creditable service in the system
15 shall receive credit for service with a state department, if such service has not otherwise been

16 credited.

17 4. Any member who had served in the armed forces of the United States prior to
18 becoming a member, or who is otherwise ineligible pursuant to subsection 1 of this section or
19 other provisions of this chapter, and who became a member after his or her discharge under
20 honorable conditions may elect, prior to retirement, to purchase all of his or her creditable prior
21 service equivalent to such service in the armed forces, but not to exceed four years, if the
22 member is not receiving and is not eligible to receive retirement credits or benefits from any
23 other public or private retirement plan for the service to be purchased, and an affidavit so stating
24 shall be filed by the member with the retirement system. However, if the member is eligible to
25 receive retirement credits in a United States military service retirement system, the member shall
26 be permitted to purchase creditable prior service equivalent to his or her service in the armed
27 services, but not to exceed four years, any other provision of law to the contrary notwithstanding.
28 The purchase shall be effected by the member's paying to the retirement system an amount equal
29 to what would have been contributed by the state in his or her behalf had the member been a
30 member for the period for which the member is electing to purchase credit and had his or her
31 compensation during such period of membership been the same as the annual salary rate at which
32 the member was initially employed as a member, with the calculations based on the contribution
33 rate in effect on the date of his or her employment with simple interest calculated from date of
34 employment from which the member could first receive creditable service to the date of election
35 pursuant to this subsection. The payment shall be made over a period of not longer than two
36 years, measured from the date of election, and with simple interest on the unpaid balance.
37 Payments made for such creditable prior service pursuant to this subsection shall be treated by
38 the retirement system as would contributions made by the state and shall not be subject to any
39 prohibition on member contributions or refund provisions in effect at the time of enactment of
40 this subsection.

41 5. Any uniformed member of the highway patrol who served as a certified police officer
42 prior to becoming a member may elect, prior to retirement, to purchase all of his or her creditable
43 prior service equivalent to such service in the police force, but not to exceed four years, if he or
44 she is not receiving and is not eligible to receive credits or benefits from any other public or
45 private retirement plan for the service to be purchased, and an affidavit so stating shall be filed
46 by the member with the retirement system. The purchase shall be effected by the member's
47 paying to the retirement system an amount equal to what would have been contributed by the
48 state in his or her behalf had he or she been a member of the system for the period for which the
49 member is electing to purchase credit and had his compensation during such period been the
50 same as the annual salary rate at which the member was initially employed as a member, with
51 the calculations based on the contribution rate in effect on the date of his or her employment with

52 simple interest calculated from the date of employment from which the member could first
53 receive creditable service to the date of election pursuant to the provisions of this section. The
54 payment shall be made over a period of not longer than two years, measured from the date of
55 election, and with simple interest on the unpaid balance. Payments made for such creditable
56 prior service pursuant to the provisions of this section shall be treated by the retirement system
57 as would contributions made by the state and shall not be subject to any prohibition on member
58 contributions or refund provisions in effect at the time of enactment of this section.

59 **6. Any uniformed member of the highway patrol who served as a nonfederal full-**
60 **time public employee in this state prior to becoming a member may elect, prior to**
61 **retirement, to purchase all of his or her creditable prior service equivalent to such service,**
62 **but not to exceed four years, if he or she is not receiving and is not eligible to receive credits**
63 **or benefits from any other public plan for the service to be purchased, and an affidavit so**
64 **stating shall be filed by the member with the retirement system. The purchase shall be**
65 **effected by the member's paying to the retirement system an amount equal to what would**
66 **have been contributed by the state in his or her behalf had he or she been a member of the**
67 **system for the period for which the member is electing to purchase credit and had his**
68 **compensation during such period been the same as the annual salary rate at which the**
69 **member was initially employed as a member, with the calculations based on the**
70 **contribution rate in effect on the date of his or her employment with simple interest**
71 **calculated from the date of employment from which the member could first receive**
72 **creditable service to the date of election pursuant to the provisions of this section. The**
73 **payment shall be made over a period of not longer than two years, measured from the date**
74 **of election, and with simple interest on the unpaid balance. Payments made for such**
75 **creditable prior service pursuant to the provisions of this section shall be treated by the**
76 **retirement system as would contributions made by the state and shall not be subject to any**
77 **prohibition on member contributions or refund provisions in effect at the time of**
78 **enactment of this section.**

104.110. 1. Any employee, regardless of the length of time of creditable service, who
2 is affirmatively found by the board to be wholly incapable of performing the duties of the
3 employee's or any other position in the employee's department for which the employee is suited,
4 shall be entitled to receive disability benefits. The disability benefit provided by this subsection
5 shall equal one and six-tenths percent of the employee's average compensation multiplied by the
6 number of years of creditable service of the member. **Effective September 1, 2003, no**
7 **employee is eligible for or shall request or apply for the disability benefit provided**
8 **pursuant to this subsection.**

9 2. Any uniformed member of the highway patrol, highway patrol employee or

10 department of transportation employee, regardless of the length of time of creditable service, who
11 is found by the board to be disabled as a result of injuries incurred in the performance of the
12 employee's duties, shall be entitled to receive an initial disability benefit in an amount equal to
13 seventy percent of the compensation that the employee was receiving on the date preceding the
14 date of disability; provided, however, that the amount of the disability benefit, plus any primary
15 Social Security disability benefits received by such member shall not exceed ninety percent of
16 the monthly compensation such member was receiving on the date preceding the date of
17 disability.

18 3. Any disability benefits payable pursuant to this section shall be decreased by any
19 amount paid to such member for periodic disability benefits by reason of the workers'
20 compensation laws of this state. After termination of payment under workers' compensation,
21 however, disability benefits shall be paid in the amount required by subsections 1, 2, 7, and 9 of
22 this section.

23 4. The board of trustees may require a medical examination of a disabled member at any
24 time by a designated physician, and benefits shall be discontinued if the board finds that such
25 member is able to perform the duties of the member's former position or if such member refuses
26 to submit to a medical examination. Any employee who applies for disability benefits provided
27 pursuant to this section shall provide medical certification acceptable to the board which shall
28 include the date the disability commenced and the expected duration of the disability.

29 5. Any employee who applies for disability benefits pursuant to subsections 2 and 7 of
30 this section shall provide proof of application for Social Security disability benefits. If Social
31 Security disability benefits are denied, the employee shall also provide proof that the employee
32 has requested reconsideration, and upon denial of the reconsideration, that an appeal process is
33 prosecuted.

34 6. The disability benefits provided in this section shall not be paid to any member who
35 retains or regains earning capacity as determined by the board. If a member who has been
36 receiving disability benefits again becomes an employee, the member's disability benefits shall
37 be discontinued.

38 7. The board shall also provide or contract for long-term disability benefits for those
39 members whose disability exists or is diagnosed as being of such nature as to exist for more than
40 one year. The benefits provided or contracted for pursuant to this subsection shall be in lieu of
41 any other benefit provided in this section. The eligibility requirements, benefit period and
42 amount of the disability benefits provided pursuant to this subsection shall be established by the
43 board.

44 8. Definitions of disability and other rules and procedures necessary for administration
45 of the disability benefits provided pursuant to this section shall be established by the board.

46 9. Any member receiving disability benefits pursuant to subsections 1 and 2 of this
47 section shall receive the same cost-of-living increases as granted to retired members pursuant to
48 section [104.130] **104.103**.

49 10. The state highways and transportation commission shall contribute the same amount
50 as provided for all state employees for any person receiving disability benefits pursuant to
51 subsection 2 of this section for medical insurance provided pursuant to section 104.270.

52 11. Any member who qualified for disability benefits pursuant to subsection 2 or
53 subsection 7 of this section shall continue to accrue normal annuity benefits based on the
54 member's rate of pay immediately prior to the date the member became disabled in accordance
55 with sections 104.090 and 104.615 as in effect on the earlier of the date the member reaches
56 normal retirement age or the date normal annuity payments commence.

57 12. A member who continues to be disabled as provided in subsection 2 or subsection
58 7 of this section shall continue to accrue creditable service until the member reaches normal
59 retirement age. The maximum benefits period for benefits pursuant to subsections 2 and 7 of this
60 section shall be established by the board. A member who is eligible to retire and does retire
61 while receiving disability benefits pursuant to subsections 2 and 7 of this section shall receive
62 the greater of the normal annuity or the minimum annuity determined pursuant to sections
63 104.090 and 104.615, as if the member had continued in the active employ of the employer until
64 the member's normal retirement age and the member's compensation for such period had been
65 the member's rate of pay immediately preceding the date the member became disabled.

66 13. Any member who was receiving disability benefits from the board prior to August
67 28, 1997, or any member who has submitted an application for disability benefits before August
68 28, 1997, and would have been eligible to receive benefits pursuant to the eligibility
69 requirements which were applicable at the time of application shall be eligible to receive or shall
70 continue to receive benefits in accordance with such prior eligibility requirements until the
71 member again becomes an employee.

72 14. Any member receiving disability benefits pursuant to subsection 1, subsection 2 or
73 subsection 7 of this section shall be eligible to receive death benefits pursuant to the provisions
74 of subsection 1 of section 104.140. The death benefits provided pursuant to this subsection shall
75 be in lieu of the death benefits available to the member pursuant to subsection 2 of section
76 104.140.

77 15. The board is authorized to contract for **benefits in lieu of** the benefits provided
78 pursuant to [subsections 1 and 2 of] this section.

79 **16. To the extent that the board enters or has entered into any contract with any**
80 **insurer or service organization to provide the disability benefits provided for pursuant to**
81 **this section:**

82 **(1) The obligation to provide such disability benefits shall be primarily that of the**
83 **insurer or service organization and secondarily that of the board;**

84 **(2) Any employee who has been denied disability benefits by the insurer or service**
85 **organization and has exhausted all appeal procedures provided by the insurer or service**
86 **organization may appeal such decision by filing a petition against the insurer or service**
87 **organization in a court of law in the employee's county of residence;**

88 **(3) The board and the system shall not be liable for the disability benefits provided**
89 **for by an insurer or service organization pursuant to this section and shall not be subject**
90 **to any cause of action with regard to disability benefits or the denial of disability benefits**
91 **by the insurer or service organization unless the employee has obtained judgment against**
92 **the insurer or service organization for disability benefits and the insurer or service**
93 **organization is unable to satisfy that judgment.**

94 **17. An employee may elect to waive the receipt of any disability benefit provided**
95 **for pursuant to this section at any time.**

104.271. Notwithstanding any other provision of law to the contrary, a member of the
2 Missouri transportation department and highway patrol retirement system or a member of the
3 Missouri state employees' retirement system shall be entitled to retire with a normal annuity and
4 shall be entitled to elect any of the survivor benefit options and shall also be entitled to any other
5 provisions of this chapter that relate to retirement with a normal annuity if the sum of the
6 member's age and creditable service equals eighty years or more and if the member is at least
7 [fifty] **forty-eight** years of age.

104.340. 1. Any member, on the first day of the first month following the original
2 effective date of sections 104.310 to 104.540, September 1, 1957, shall be entitled to creditable
3 prior service for the purpose of sections 104.310 to 104.620 for all active military service
4 performed in the United States Army, Air Force, Navy, Marine Corps, Coast Guard and members
5 of the United States Public Health Service when in the active military service, or any women's
6 auxiliary thereof in time of active armed warfare, if such member was a state employee
7 immediately prior to the member's entry into the armed services and became an employee of the
8 state within ninety days after termination of such service under honorable conditions or release
9 to inactive status in a reserve component of the armed forces. This includes:

10 **(1) Members of the reserve component of the armed forces (National Guard of the**
11 **United States, United States Army Reserve, Air National Guard of the United States, United**
12 **States Air Force Reserve, United States Naval Reserve, United States Marine Corps Reserve,**
13 **United States Coast Guard);**

14 **(2) Reserve components existing prior and subsequent to the original effective date of**
15 **sections 104.310 to 104.540; and**

16 (3) The reserve of the United States Public Health Service, while in the active military
17 service of the United States.

18 2. Any former full-time employee of a state board, whether unassigned or assigned to
19 the governor, who becomes a member within one year of termination of employment with the
20 board, shall be entitled to creditable prior service not to exceed eight years for service rendered,
21 provided the member had not become vested in a city or county retirement system and has or
22 attains one or more years of continuous service.

23 3. Notwithstanding any other provision of law to the contrary, any employee of a
24 political subdivision who becomes a state employee, or gains eligibility to become a member,
25 by an act, or acts, of the general assembly after August 13, 1986, making such employment state
26 employment shall be entitled only to prior service credit for such employment with a political
27 subdivision. Such prior service credit, which cannot exceed eight years, shall be used in the
28 determination of eligibility for benefits pursuant to the provisions of sections 104.310 to 104.612
29 but not in determining the amount of benefits, if the person makes application to the board for
30 such prior service credit within ninety days of becoming a member of the Missouri state
31 employees' retirement system, and establishes such service to the satisfaction of the board; except
32 that such prior service credit shall not be used for the purposes of computing the minimum
33 benefit provided by section 104.615.

34 4. Any member who had performed active service in the United States Army, Air Force,
35 Navy, Marine Corps, Army or Air National Guard, Coast Guard, or any reserve component
36 thereof prior to **last** becoming a member, or who is otherwise ineligible under subsection 1 of
37 this section or other provisions of this chapter, and who became a member after the person's
38 discharge under honorable conditions may elect, prior to retirement, to purchase all of the
39 member's creditable prior service equivalent to such service in the armed forces, but not to
40 exceed four years, provided the person is not receiving and is not eligible to receive retirement
41 credits or benefits from any other public or private retirement plan for the service to be
42 purchased[, and an affidavit so stating shall be filed by the member with the retirement system].
43 However, if the member is eligible to receive retirement credits in a United States military
44 service retirement system, the member shall be permitted to purchase creditable prior service
45 equivalent to such service in the armed forces, but not to exceed four years, any other provision
46 of law to the contrary notwithstanding. The purchase shall be effected by the member's
47 submission of appropriate documentation verifying the member's dates of active service and by
48 paying to the retirement system an amount equal to what would have been contributed by the
49 state in the member's behalf had the member been a member for the period for which the member
50 is electing to purchase credit and had the member's compensation during such period of
51 membership been the same as the annual salary rate at which the member was initially employed

52 by a department, with the calculations based on the contribution rate in effect on the date of
53 employment with simple interest calculated from the date of employment from which the
54 member could first receive creditable service to the date of election under this subsection. The
55 payment shall be made over a period of not longer than two years, measured from the date of
56 election, and with simple interest on the unpaid balance. Payments made for such creditable
57 prior service under this subsection shall be treated by the retirement system as would
58 contributions made by the state and shall not be subject to any prohibition on member
59 contributions or refund provisions in effect at the time of enactment of this subsection.

60 5. Any member who terminated employment prior to August 13, 1986, who had served
61 in the armed forces of the United States prior to becoming a member, or who is otherwise
62 ineligible pursuant to subsection 1 of this section or other provisions of this chapter, and who
63 became a member after the person's discharge under honorable conditions shall, upon application
64 to the board of trustees of the Missouri state employees' retirement system, be made, constituted
65 and appointed and employed by the board as a special consultant on the problems of retirement,
66 aging and other state matters for the remainder of the person's life. Upon request of the board
67 of the system or the court from which the person retired, the consultant shall give opinions or be
68 available to give opinions in writing or orally in response to such requests. As compensation for
69 such services, the consultant shall be eligible to purchase, prior to retirement, creditable prior
70 service as provided in this subsection.

71 6. Any member who is an employee on or after June 30, 1988, shall be entitled to
72 creditable prior service for all full-time service rendered at Lincoln University prior to June 30,
73 1988, if such service is established to the satisfaction of the board, provided such member elects
74 in writing to forfeit all rights accrued under the Lincoln University retirement plan for such
75 service, and provided such service is not now credited the member under the Missouri state
76 employees' retirement system.

77 7. Any person who is an employee on or after August 28, 1989, and who has been denied
78 credit for any service because the person was a member of some other retirement system or
79 benefit fund to which the state was a contributor shall receive creditable prior service for all the
80 service rendered which would have otherwise been earned during such period of service by the
81 person except for the denial of credit; however, in no event shall any person receive service
82 credit for the same period of service under more than one retirement system.

83 8. Upon application to the board, any member or former member not yet retired
84 previously employed by the Missouri institute of psychiatry prior to July 1, 1974, and who by
85 virtue of such employment was a member of a retirement system or plan other than the Missouri
86 state employees' retirement system but did not become vested in that system or plan shall receive
87 creditable prior service for such service, provided that such service is not used for the calculation

88 of benefits under any other retirement system or plan, excluding Social Security, and that such
89 service is established to the satisfaction of the board.

90 9. Any retired member previously employed by the Missouri institute of psychiatry prior
91 to July 1, 1974, and who by virtue of such employment was a member of a retirement system or
92 plan other than the Missouri state employees' retirement system but did not become vested in that
93 system or plan may make application to be made, constituted, appointed, and employed by the
94 board as a special consultant on the problems of retirement, aging and other state matters. As
95 compensation the special consultant shall receive beginning the month next following such
96 appointment an amount equal to the retirement benefit the member would have been receiving
97 had such service been included in the original retirement benefit calculation, provided that such
98 service is not used for the calculation of benefits under any other retirement system or plan,
99 excluding Social Security, and that such service is established to the satisfaction of the board.

100 10. Notwithstanding any other provisions of law to the contrary, if a former employee
101 terminated employment before January 1, 1988, and such former employee had also served as
102 a board member pursuant to the provisions of section 329.190, RSMo, such former employee
103 shall upon application to the board of trustees of the Missouri state employees' retirement system
104 be made a special consultant on the problems of retirement and shall upon request of the board
105 of trustees give opinions in writing or orally in response to such request. As compensation for
106 such services, the former employee shall receive creditable service for all time the former
107 employee was employed by the state and the time the former employee served on the board
108 pursuant to the provisions of section 329.190, RSMo, provided that such service is not used for
109 vesting in any other public employee retirement system.

104.370. 1. Any member of the general assembly who has served at least three full
2 biennial assemblies as a member of the general assembly and who meets the conditions for
3 retirement at or after the member's normal retirement age shall be entitled to a normal annuity
4 in a monthly amount equal to one hundred fifty dollars multiplied by the number of biennial
5 assemblies in which such member has served. For the purpose of calculating benefits due under
6 this subsection:

7 (1) Service in any portion of a biennial assembly after service in at least three biennial
8 assemblies shall be credited as service in a full biennial assembly; and

9 (2) Any person who is elected as a member of the general assembly at a special election
10 and who serves the remainder of that term to which he was elected at such special election shall
11 receive credit for a full biennial assembly for such service.

12 2. If a member of either retirement system established by this chapter, who has served
13 at least three full biennial assemblies as a member of the general assembly, is elected to a state
14 office, appointed to a state office, or employed by the state before, after, or before and after his

15 service as a member of the general assembly, the member may, at the end of such employment,
16 receive upon retirement, at or after the member's normal retirement age, the amount which shall
17 be due the member for creditable service as a member of the general assembly. If he has not
18 fully vested as a result of his employment as other than a member of the general assembly, he
19 shall be credited with additional service as a legislator just as though all of the service combined
20 had in fact been rendered as a member of the general assembly and receive a normal annuity.
21 If the member retires before normal retirement age, the member shall receive the actuarial
22 reduction approved by the board. Nothing in this section shall allow any member to
23 simultaneously accumulate service in more than one state retirement system as a member of the
24 general assembly and an employee or state officer; **provided that, any member who otherwise**
25 **would accrue simultaneous creditable service as a member of the general assembly and as**
26 **an employee or state officer, may elect prior to retirement to receive such simultaneous**
27 **creditable service in the state retirement plan that covered the member's service as an**
28 **employee or state officer in lieu of receiving such creditable service as a member of the**
29 **general assembly pursuant to subdivision (1) of subsection 1 of this section. Any member**
30 **who makes such election shall receive creditable service for the member's remaining**
31 **legislative service equal to the pro rata portion of the biennial assembly actually served by**
32 **such member. The provisions of this subsection providing an election with regard to**
33 **simultaneous creditable service shall apply to any member of the general assembly who is**
34 **employed on or after August 28, 2003, or any former member of the general assembly who**
35 **is employed as an employee or state officer on or after August 28, 2003. The term "state**
36 **officer" as used in this subsection includes a statewide elected official as described in**
37 **section 104.371, an administrative law judge or legal advisor as defined in section 287.812,**
38 **RSMo, or a judge as defined in section 476.515, RSMo.**

39 3. A member who has fully vested as a state officer or employee and has service as a
40 member of the general assembly of less than three full biennial assemblies, upon retirement, at
41 or after the member's normal retirement age, shall be credited with additional service as a state
42 officer or employee for the time he served as a member of the general assembly. If the member
43 retires before normal retirement age, he shall receive the actuarial reduction approved by the
44 board.

45 4. Any member of the general assembly who has served at least three full biennial
46 assemblies and whose service as such terminates on or after October 1, 1984, and who served
47 as an employee, as that term is defined in section 104.010, prior to the respective dates on which
48 the retirement systems to which such sections apply originally became effective, but was not
49 such an employee on such dates, shall be entitled to the creditable prior service that such
50 employee would have been entitled to in either or both systems had such employee become a

51 member on the date of inception of either or both systems. The maximum number of years of
52 creditable prior service to which a member may become entitled pursuant to this section is less
53 than ten years. The benefits attributable to such service shall be calculated as if all service was
54 rendered as a member of the general assembly.

55 5. Any former member of the general assembly who is receiving benefits under the
56 provisions of this section shall, upon written request to the board, be made, constituted,
57 appointed and employed by the board as a special consultant on the problems of retirement and
58 other related matters and shall upon request of the board give opinions in writing or orally in
59 response to such requests. As compensation for such services, the retired member shall have his
60 retirement benefits recalculated the first of the month next following his application under this
61 subsection to reflect that any portion of a year of creditable service shall be counted as one full
62 biennial session.

63 6. Any retired member who is receiving benefits from the system and is elected to the
64 general assembly but does not serve at least three biennial sessions shall receive creditable
65 service for the time he served in the general assembly and upon leaving the general assembly
66 shall have an additional benefit calculated using such service.

67 7. Benefits paid for service credited to legislative service shall be funded as provided in
68 section 104.436.

69 8. Any former member of the general assembly not retired on August 28, 1994, who is
70 fifty-five years of age or more and who has creditable service in the general assembly of at least
71 three full biennial assemblies and has not used such services as creditable services in any other
72 retirement system shall be made and employed by the board as a special consultant on the
73 problems related to retirement and shall, when requested by the board, give opinions either
74 written or orally on such problems. As compensation for such duties the former member of the
75 general assembly shall be entitled to retire with a normal annuity effective the first of the month
76 following receipt by the board of a written application.

77 9. Notwithstanding any other law to the contrary, any active member of the Missouri
78 state employees' retirement system who is vested, on August 28, 1994, under the provisions of
79 subsection 1 of this section, and who has served as an elected county official and who, by virtue
80 of such service was a member of a retirement system other than the Missouri state employees'
81 retirement system but was not vested in such other retirement system, or was not a member of
82 any retirement system, shall receive creditable prior service in the Missouri state employees'
83 retirement system for such previous service as an elected county official.

84 **10. Effective August 28, 2003, any former member of the general assembly who**
85 **served at least two full biennial assemblies and has no creditable service for the same**
86 **period of service in any retirement plan administered by either system shall be made and**

87 employed by the board as a special consultant on the problems related to retirement and
88 shall, when requested by the board, give opinions either written or orally on such
89 problems. As compensation for such duties, the former member after the member's
90 normal retirement age shall be entitled to a normal annuity in a monthly amount equal to
91 one hundred fifty dollars multiplied by the number of biennial assemblies in which such
92 member has served. In lieu of receiving such normal annuity, the former member may
93 elect to receive a normal retirement annuity after obtaining normal retirement eligibility
94 pursuant to the election procedures in subsection 4 of section 104.1015.

104.460. 1. The board shall elect by secret ballot one member as chairman and one
2 member as vice chairman [in January] **during the first board meeting** of each year. The
3 chairman shall preside over meetings of the board and perform such other duties as may be
4 required by action of the board. The vice chairman shall perform the duties of the chairman in
5 the absence of the latter or upon the chairman's inability or refusal to act. Each person who was
6 elected to membership on the board of trustees or who is a candidate for membership on the
7 board of trustees shall file with the [commissioner of administration] **Missouri ethics**
8 **commission** a campaign finance disclosure form showing:

9 (1) The amounts and sources of all contributions received for the purpose of supporting
10 such person's candidacy or for the purpose of opposing any other candidate; and

11 (2) The amounts and recipients of all expenditures made for the purpose of supporting
12 such person's candidacy or for the purpose of opposing any other candidate.

13

14 The disclosure reports shall be filed not later than the fifteenth day prior to the date of the
15 election for the period closing on the twentieth day prior to the election, and not later than the
16 thirtieth day after the date of the election for the period from the nineteenth day prior to the date
17 of the election to the twenty-fifth day after the date of the election. Such reports shall be public
18 records and shall be made available by the [commissioner of administration] **Missouri ethics**
19 **commission** during normal business hours. Any person who purposefully fails or refuses to file
20 the reports required by this subsection is guilty of a class A misdemeanor.

21 2. The board shall appoint an executive director who shall be the executive officer of the
22 system and who shall have charge of the offices, records, and employees of the system, subject
23 to the direction of the board. Other employees of the system shall be chosen only upon the
24 recommendation of the executive director.

25 3. All employees of the system shall be both state employees and members of the system.
26 Except by the unanimous vote of the board, no person who has served as a trustee of the board
27 may become an employee of the system until four years have expired between the date of his or
28 her resignation, termination, or other removal as trustee and the date of his or her appointment

29 as an employee of the system.

30 4. Employees of the system shall receive such salaries as shall be fixed by the board and
31 their necessary travel expense within and without the state as shall be authorized by the board.

32 5. Any summons or other writ issued by the courts of the state shall be served upon the
33 executive director or, in his or her absence, on the executive director's designee.

104.517. 1. The board shall provide or contract, or both, for life insurance benefits for
2 employees pursuant to sections 104.320 to 104.540, persons covered by sections 287.812 to
3 287.855, RSMo, and for employees who are members of the judicial retirement system as
4 provided in section 476.590, RSMo, and at the election of the state highways and transportation
5 commission shall include employees who are members of the state transportation department
6 employees' and highway patrol retirement system [as follows:

7 (1)]. Employees are entitled to fifteen thousand dollars of life insurance until December
8 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for basic life
9 insurance for employees covered under any retirement plan administered by the system pursuant
10 to this chapter, persons covered by sections 287.812 to 287.856, RSMo, for employees who are
11 members of the judicial retirement system as provided in section 476.590, RSMo, and, at the
12 election of the state highways and transportation commission, employees who are members of
13 the highways and transportation employees' and highway patrol retirement system, in an amount
14 equal to one times annual pay, subject to a minimum amount of fifteen thousand dollars. The
15 board shall establish by rule or contract the method for determining the annual rate of pay and
16 any other terms of such insurance as it deems necessary to implement the requirements pursuant
17 to this section. Annual rate of pay shall not include overtime or any other irregular payments as
18 determined by the board. Such life insurance shall provide for triple indemnity in the event the
19 cause of death is a proximate result of a personal injury or disease arising out of and in the course
20 of actual performance of duty as an employee.

21 2. A conversion of such life insurance benefits shall be available. However, a member
22 eligible to receive a lump sum death benefit as provided in subsection 4 of section 104.515 shall
23 be entitled to convert any amount of terminated life insurance benefit in excess of the benefit
24 provided in said section.

25 3. (1) In addition to the life insurance authorized by the provisions of subsection 1 of
26 this section, any person for whom life insurance is provided or contracted for pursuant to such
27 subsection may purchase, at the person's own expense and only if monthly voluntary payroll
28 deductions are authorized, additional life insurance at a cost to be stipulated in a contract with
29 a private insurance company or as may be required by the system if the board of trustees
30 determines that the system should provide such insurance itself. The maximum amount of
31 additional life insurance which may be so purchased on or after January 1, 1998, **but prior to**

32 **January 1, 2004**, is that amount which equals six times the amount of the person's annual rate
33 of pay, except that if such maximum amount is not evenly divisible by one thousand dollars, then
34 the maximum amount of additional insurance which may be purchased is the next higher amount
35 evenly divisible by one thousand dollars. **The maximum amount of additional life insurance**
36 **which may be so purchased on or after January 1, 2004, is an amount to be stipulated in**
37 **a contract with a private insurance company or as may be required by the system if the**
38 **board of trustees determines that the system should provide the insurance itself.** The
39 selection of a private insurance company to provide this life insurance shall be on the basis of
40 competitive bidding.

41 (2) Any person defined in subdivision (1) of this subsection retiring on or after
42 September 1, 1988, may retain an amount not to exceed ten thousand dollars of life insurance
43 following the date of his or her retirement if such person makes written application for such life
44 insurance at the same time such person's application is made to the board for retirement benefits.
45 Any person, defined in subdivision (1) of this subsection, retiring on or after May 1, 1996, may
46 retain an amount not to exceed sixty thousand dollars of life insurance following the date of the
47 person's retirement if such person makes written application for such life insurance at the same
48 time such person applies to the board for retirement benefits. Such life insurance shall only be
49 provided if such person pays the entire cost of the insurance, as determined by the board, by
50 allowing voluntary deductions from the member's monthly retirement benefits.

51 (3) Effective January 1, 1998, in addition to the life insurance authorized in subsection
52 1 of this section, any person for whom life insurance is provided or contracted for pursuant to
53 such subsection may purchase, at the person's own expense and only if monthly voluntary payroll
54 deductions are authorized, life insurance covering the person's children or the person's spouse
55 or both the person's children and the person's spouse at coverage amounts to be determined by
56 the board at a cost to be stipulated in a contract with a private insurance company or as may be
57 required by the system if the board of trustees determines that the system should provide such
58 insurance itself.

59 4. The highways and transportation employees' and highway patrol retirement system
60 shall provide or contract or both for the death benefit for special consultants in subsection 4 of
61 section 104.515. The highways and transportation employees' and highway patrol retirement
62 system may request the state highways and transportation commission to administer the death
63 benefit. If the state highways and transportation commission accepts the obligation to administer
64 the death benefit, the highways and transportation employees' and highway patrol retirement
65 system shall reimburse the state highways and transportation commission for any costs or
66 expenses of administering the death benefit.

67 **5. To the extent that the board enters or has entered into any contract with any**

68 insurer or service organization to provide life insurance provided for pursuant to this
69 section:

70 (1) The obligation to provide such life insurance shall be primarily that of the
71 insurer or service organization and secondarily that of the board;

72 (2) Any member who has been denied life insurance benefits by the insurer or
73 service organization and has exhausted all appeal procedures provided by the insurer or
74 service organization may appeal such decision by filing a petition against the insurer or
75 service organization in a court of law in the member's county of residence;

76 (3) The board and the system shall not be liable for life insurance benefits provided
77 by an insurer or service organization pursuant to this section and shall not be subject to
78 any cause of action with regard to life insurance benefits or the denial of life insurance
79 benefits by the insurer or service organization unless the member has obtained judgment
80 against the insurer or service organization for life insurance benefits and the insurer or
81 service organization is unable to satisfy that judgment.

104.806. 1. Employees who are earning creditable service in the closed plan of the
2 Missouri state employees' retirement system and who are transferred to the department
3 of transportation as a result of the provisions of executive order 03-05, will not become
4 members of the closed plan of the highways and transportation employees' and highway
5 patrol retirement system unless they elect to transfer membership and creditable service
6 to the closed plan of the highways and transportation employees' and highway patrol
7 retirement system. The election must be in writing and must be made within ninety days
8 of July 1, 2003. Any election to transfer membership and creditable service to the
9 highways and transportation employees' and highway patrol retirement system shall result
10 in the forfeiture of any rights or benefits in the Missouri state employees' retirement
11 system. Any failure to elect to transfer membership and creditable service pursuant to this
12 subsection will result in the employees remaining in the closed plan of the Missouri state
13 employees' retirement system. If an election is made, the effective date for commencement
14 of membership and transfer of such creditable service shall be January 1, 2004.

15 2. Employees who are earning credited service in the year 2000 plan of the Missouri
16 state employees' retirement system and who are transferred to the department of
17 transportation as a result of the provisions of executive order 03-05 will remain in the year
18 2000 plan administered by the Missouri state employees' retirement system unless they
19 elect to transfer membership and credited service to the year 2000 plan administered by
20 the highways and transportation employees' and highway patrol retirement system. The
21 election must be in writing and must be made within ninety days of July 1, 2003. Any
22 election to transfer membership and credited service to the year 2000 plan administered

23 by the highways and transportation employees' and highway patrol retirement system shall
24 result in the forfeiture of any rights or benefits in the Missouri state employees' retirement
25 system. Any failure to elect to transfer membership and credited service pursuant to this
26 subsection will result in the employees remaining in the year 2000 plan administered by the
27 Missouri state employees' retirement system. If an election is made, the effective date for
28 commencement of membership and transfer of such creditable service shall be January 1,
29 2004.

30 3. For any employee who elects pursuant to subsection 1 or 2 of this section to
31 transfer to the highways and transportation employees' and highway patrol retirement
32 system, the Missouri state employees' retirement system shall pay to the highways and
33 transportation employees' and highway patrol retirement system, by December 31, 2003,
34 an amount actuarially determined to equal the liability at the time of the transfer to the
35 extent that liability is funded as of the most recent actuarial valuation, not to exceed one
36 hundred percent.

37 4. In no event shall any employee receive service credit for the same period of
38 service under more than one retirement system as a result of the provisions of this section.

39 5. For any transferred employee who elects pursuant to subsection 1 or 2 of this
40 section to transfer to the highways and transportation employees' and highway patrol
41 retirement system, the only medical coverage available for the employee shall be the
42 medical coverage provided in section 104.270. The effective date for commencement of
43 medical coverage shall be January 1, 2004. However, this does not preclude medical
44 coverage for the transferred employee as a dependent under any other health care plan.

104.1003. Unless a different meaning is plainly required by the context, the following
2 words and phrases as used in sections 104.1003 to 104.1093 shall mean:

3 (1) "Act", the "Year 2000 Plan" created by sections 104.1003 to 104.1093;

4 (2) "Actuary", an actuary who is experienced in retirement plan financing and who is
5 either a member of the American Academy of Actuaries or an enrolled actuary under the
6 Employee Retirement Income Security Act of 1974;

7 (3) "Annuity", annual benefit amounts, paid in equal monthly installments, from funds
8 provided for in, or authorized by, sections 104.1003 to 104.1093;

9 (4) "Annuity starting date" means the first day of the first month with respect to which
10 an amount is paid as an annuity pursuant to sections 104.1003 to 104.1093;

11 (5) "Beneficiary", any person or entity entitled to receive an annuity or other benefit
12 pursuant to sections 104.1003 to 104.1093 based upon the employment record of another person;

13 (6) "Board of trustees", "board", or "trustees", a governing body or bodies established
14 for the year 2000 plan pursuant to sections 104.1003 to 104.1093;

15 (7) "Closed plan", a benefit plan created pursuant to this chapter and administered by a
16 system prior to July 1, 2000. No person first employed on or after July 1, 2000, shall become
17 a member of the closed plan, but the closed plan shall continue to function for the benefit of
18 persons covered by and remaining in the closed plan and their beneficiaries;

19 (8) "Consumer price index", the Consumer Price Index for All Urban Consumers for the
20 United States, or its successor index, as approved by the board, as such index is defined and
21 officially reported by the United States Department of Labor, or its successor agency;

22 (9) "Credited service", the total credited service to a member's credit as provided in
23 sections 104.1003 to 104.1093;

24 (10) "Department", any department or agency of the executive, legislative, or judicial
25 branch of the state of Missouri receiving state appropriations, including allocated funds from the
26 federal government but not including any body corporate or politic unless its employees are
27 eligible for retirement coverage from a system pursuant to this chapter as otherwise provided by
28 law;

29 (11) "Early retirement eligibility", a member's attainment of fifty-seven years of age and
30 the completion of at least five years of credited service;

31 (12) "Effective date", July 1, 2000;

32 (13) "Employee" shall be any person who is employed by a department and is paid a
33 salary or wage by a department in a position normally requiring the performance of duties of not
34 less than one thousand hours per year, provided:

35 (a) The term "employee" shall not include any patient or inmate of any state, charitable,
36 penal or correctional institution, or any person who is employed by a department in a position
37 that is covered by a state-sponsored defined benefit retirement plan not created by this chapter;

38 (b) The term "employee" shall be modified as provided by other provisions of sections
39 104.1003 to 104.1093;

40 (c) The system shall consider a person who is employed in multiple positions
41 simultaneously within a single agency to be working in a single position for purposes of
42 determining whether the person is an employee as defined in this subdivision;

43 (d) Beginning September 1, 2001, the term "year" as used in this subdivision shall mean
44 the twelve-month period beginning on the first day of employment;

45 (14) "Employer", a department;

46 (15) "Executive director", the executive director employed by a board established
47 pursuant to the provisions of sections 104.1003 to 104.1093;

48 (16) "Final average pay", the average pay of a member for the thirty-six full consecutive
49 months of service before termination of employment when the member's pay was greatest; or if
50 the member was on workers' compensation leave of absence or a medical leave of absence due

51 to an employee illness, the amount of pay the member would have received but for such leave
52 of absence as reported and verified by the employing department; or if the member was
53 employed for less than thirty-six months, the average monthly pay of a member during the period
54 for which the member was employed;

55 (17) "Fund", a fund of the year 2000 plan established pursuant to sections 104.1003 to
56 104.1093;

57 (18) "Investment return", **or** "interest", rates as shall be determined and prescribed from
58 time to time by a board;

59 (19) "Member", a person who is included in the membership of the system, as set forth
60 in section 104.1009;

61 (20) "Normal retirement eligibility", a member's attainment of at least sixty-two years
62 of age and the completion of at least five or more years of credited service or, the attainment of
63 at least [fifty] **forty-eight** years of age with a total of years of age and years of credited service
64 which is at least eighty or, in the case of a member of the highway patrol who shall be subject
65 to the mandatory retirement provisions of section 104.080, the mandatory retirement age and
66 completion of five years of credited service or, the attainment of at least [fifty] **forty-eight** years
67 of age with a total of years of age and years of credited service which is at least eighty;

68 (21) "Pay" shall include:

69 (a) All salary and wages payable to an employee for personal services performed for a
70 department; but excluding:

71 a. Any amounts paid after an employee's employment is terminated, unless the payment
72 is made as a final installment of salary or wages at the same rate as in effect immediately prior
73 to termination of employment in accordance with a state payroll system adopted on or after
74 January 1, 2000;

75 b. Any amounts paid upon termination of employment for unused annual leave or unused
76 sick leave;

77 c. Pay in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue
78 Code of 1986 as amended and other applicable federal laws or regulations; and

79 d. Any nonrecurring single sum payments;

80 (b) All salary and wages which would have been payable to an employee on workers'
81 compensation leave of absence during the period the employee is receiving a weekly workers'
82 compensation benefit, as reported and verified by the employing department;

83 (c) All salary and wages which would have been payable to an employee on a medical
84 leave due to employee illness, as reported and verified by the employing department;

85 (d) For purposes of members of the general assembly, pay shall be the annual salary
86 provided to each senator and representative pursuant to section 21.140, RSMo, plus any salary

87 adjustment pursuant to section 21.140, RSMo;

88 (22) "Retiree", a person receiving an annuity from the year 2000 plan based upon the
89 person's employment record;

90 (23) "State", the state of Missouri;

91 (24) "System" or "retirement system", the Missouri state employees' retirement system
92 or the transportation department and highway patrol retirement system, as the case may be;

93 (25) "Vested former member", a person entitled to receive a deferred annuity pursuant
94 to section 104.1036;

95 (26) "Year 2000 plan", the benefit plan created by sections 104.1003 to 104.1093.

104.1021. 1. The appropriate board shall determine how much credited service shall be
2 given each member consistent with this section.

3 2. If a member terminates employment and is eligible to receive an annuity pursuant to
4 the year 2000 plan, or becomes a vested former member at the time of termination, the member's
5 or former member's unused sick leave as reported through the financial and human resources
6 system maintained by the office of administration, or if a department's employees are not paid
7 salaries or wages through such system, as reported directly by the department, for which the
8 member has not been paid will be converted to credited service at the time of application for
9 retirement benefits. The member shall receive one-twelfth of a year of credited service for each
10 one hundred and sixty-eight hours of such unused sick leave. The employing department shall
11 not certify unused sick leave unless such unused sick leave could have been used by the member
12 for sickness or injury. The rate of accrual of sick leave for purposes of computing years of
13 service pursuant to this section shall be no greater than ten hours per month. Such credited
14 service shall not be used in determining the member's eligibility for retirement or final average
15 pay. Such credited service shall be added to the credited service in the last position of
16 employment held as a member of the system.

17 3. If a member is employed in a covered position and simultaneously employed in one
18 or more other covered or noncovered positions, credited service shall be determined as if all such
19 employment were in one position, and covered pay shall be the total of pay for all such positions.

20 4. In calculating any annuity, "credited service" means a period expressed as whole years
21 and any fraction of a year measured in twelfths that begins on the date an employee commences
22 employment in a covered position and ends on the date such employee's membership terminates
23 pursuant to section 104.1018 plus any additional period for which the employee is credited with
24 service pursuant to this section.

25 5. A member shall be credited for all military service after membership commences as
26 required by state and federal law.

27 6. Any member who had active military service in the United States Army, Air Force,

28 Navy, Marine Corps, Army or Air National Guard, Coast Guard, or any reserve component
29 thereof prior to **last** becoming a member, or who is otherwise ineligible to receive credited
30 service pursuant to subsection 1 or 5 of this section, and who became a member after the person's
31 discharge from military service under honorable conditions may elect, prior to retirement, to
32 purchase credited service for all such military service, but not to exceed four years, provided the
33 person is not receiving and is not eligible to receive retirement credits or benefits from any other
34 public or private retirement plan, other than a United States military service retirement system,
35 for the military service to be purchased[, and an affidavit so stating is filed by the member with
36 the year 2000 plan] along with the submission of appropriate documentation verifying the
37 member's dates of active service. The purchase shall be effected by the member paying to the
38 system an amount equal to the state's contributions that would have been made to the system on
39 the member's behalf had the member been a member for the period for which the member is
40 electing to purchase credit and had the member's pay during such period of membership been the
41 same as the annual pay rate as of the date the member was initially employed as a member, with
42 the calculations based on the contribution rate in effect on the date of such member's
43 employment with simple interest calculated from the date of employment to the date of election
44 pursuant to this subsection. The payment shall be made over a period of not longer than two
45 years, measured from the date of election, and with simple interest on the unpaid balance. If a
46 member who purchased credited service pursuant to this subsection dies prior to retirement, the
47 surviving spouse may, upon written request, receive a refund of the amount contributed for such
48 purchase of such credited service, provided the surviving spouse is not entitled to survivorship
49 benefits payable pursuant to the provisions of section 104.1030.

50 7. Any member of the Missouri state employees' retirement system shall receive credited
51 service for the creditable prior service that such employee would have been entitled to under the
52 closed plan pursuant to section 104.339, subsections 2, and 6 to 9 of section 104.340, subsection
53 12 of section 104.342, section 104.344, subsection 4 of section 104.345, subsection 4 of section
54 104.372, section 178.640, RSMo, and section 211.393, RSMo, provided such service has not
55 been credited under the closed plan.

56 8. Any member who has service in both systems and dies or terminates employment shall
57 have the member's service in the other system transferred to the last system that covered such
58 member and any annuity payable to such member shall be paid by that system. Any such
59 member may elect to transfer service between systems prior to termination of employment,
60 provided, any annuity payable to such member shall be paid by the last system that covered such
61 member prior to the receipt of such annuity.

62 9. In no event shall any person or member receive credited service pursuant to the year
63 2000 plan if that same service is credited for retirement benefits under any defined benefit

64 retirement system not created pursuant to this chapter.

65 10. Any additional credited service as described in subsections 5 to 7 of this section shall
66 be added to the credited service in the first position of employment held as a member of the
67 system. Any additional creditable service received pursuant to section 105.691, RSMo, shall be
68 added to the credited service in the position of employment held at the time the member
69 completes the purchase or transfer pursuant to such section.

70 11. A member may not purchase any credited service described in this section unless the
71 member has met the five-year minimum service requirement as provided in subdivisions (11) and
72 (20) of section 104.1003, the two full biennial assemblies minimum service requirement as
73 provided in section 104.1084, or the four-year minimum service requirement as provided in
74 section 104.1084.

75 12. Absences taken by an employee without compensation for sickness and injury of the
76 employee of less than twelve months or for leave taken by such employee without compensation
77 pursuant to the provisions of the Family and Medical Leave Act of 1993 shall be counted as
78 years of credited service.

104.1024. 1. Any member who terminates employment may retire on or after attaining
2 normal retirement eligibility by making application in written form and manner approved by the
3 appropriate board. The written application shall set forth the annuity starting date which shall
4 not be earlier than the first day of the second month following the month of the execution and
5 filing of the member's application for retirement nor later than the first day of the fourth month
6 following the month of the execution and filing of the member's application for retirement.

7 2. A member's annuity shall be paid in the form of a life annuity, except as provided in
8 section 104.1027, and shall be an amount for life equal to one and seven-tenths percent of the
9 final average pay of the member multiplied by the member's years of credited service.

10 3. The life annuity defined in subsection 2 of this section shall not be less than a monthly
11 amount equal to fifteen dollars multiplied by the member's full years of credited service.

12 4. If as of the annuity starting date of a member who has attained normal retirement
13 eligibility the sum of the member's years of age and years of credited service equals eighty or
14 more years and if the member's age is at least [fifty] **forty-eight** years but less than sixty-two
15 years, or, in the case of a member of the highway patrol who shall be subject to the mandatory
16 retirement provision of section 104.080, the mandatory retirement age and completion of five
17 years of credited service, then in addition to the life annuity described in subsection 2 of this
18 section, the member shall receive a temporary annuity equal to eight-tenths of one percent of the
19 member's final average pay multiplied by the member's years of credited service. The temporary
20 annuity and any cost-of-living adjustments attributable to the temporary annuity pursuant to
21 section 104.1045 shall terminate at the end of the calendar month in which the earlier of the

22 following events occurs: the member's death or the member's attainment of the earliest age of
23 eligibility for reduced Social Security retirement benefits.

24 5. The annuity described in subsection 2 of this section for any person who has credited
25 service not covered by the federal Social Security Act, as provided in sections 105.300 to
26 105.445, RSMo, shall be calculated as follows: the life annuity shall be an amount equal to two
27 and five-tenths percent of the final average pay of the member multiplied by the number of years
28 of service not covered by the federal Social Security Act in addition to one and seven-tenths
29 percent of the final average pay of the member multiplied by the member's years of credited
30 service covered by the federal Social Security Act.

31 6. Effective July 1, 2002, any member, except an elected official or a member of the
32 general assembly, who has not been paid retirement benefits and continues employment for at
33 least two years beyond the date of normal retirement eligibility, may elect to receive an annuity
34 and lump sum payment or payments, determined as follows:

35 (1) A retroactive starting date shall be established which shall be a date selected by the
36 member; provided, however, that the retroactive starting date selected by the member shall not
37 be a date which is earlier than the date when a normal annuity would have first been payable.
38 In addition, the retroactive starting date shall not be more than five years prior to the annuity
39 starting date. The member's selection of a retroactive starting date shall be done in twelve-month
40 increments, except this restriction shall not apply when the member selects the total available
41 time between the retroactive starting date and the annuity starting date;

42 (2) The prospective annuity payable as of the annuity starting date shall be determined
43 pursuant to the provisions of this section, with the exception that it shall be the amount which
44 would have been payable at the annuity starting date had the member actually retired on the
45 retroactive starting date under the retirement plan selected by the member. Other than for the
46 lump sum payment or payments specified in subdivision (3) of this subsection, no other amount
47 shall be due for the period between the retroactive starting date and the annuity starting date;

48 (3) The lump sum payable shall be ninety percent of the annuity amounts which would
49 have been paid to the member from the retroactive starting date to the annuity starting date had
50 the member actually retired on the retroactive starting date and received a life annuity. The
51 member shall elect to receive the lump sum amount either in its entirety at the same time as the
52 initial annuity payment is made or in three equal annual installments with the first payment made
53 at the same time as the initial annuity payment;

54 (4) Any annuity payable pursuant to this section that is subject to a division of benefit
55 order pursuant to section 104.1051 shall be calculated as follows:

56 (a) Any service of a member between the retroactive starting date and the annuity
57 starting date shall not be considered credited service except for purposes of calculating the

58 division of benefit; and

59 (b) The lump sum payment described in subdivision (3) of this section shall not be
60 subject to any division of benefit order; and

61 (5) For purposes of determining annual benefit increases payable as part of the lump sum
62 and annuity provided pursuant to this section, the retroactive starting date shall be considered the
63 member's date of retirement.

104.1051. 1. Any annuity provided pursuant to the year 2000 plan is marital property
2 and a court of competent jurisdiction may divide such annuity between the parties to any action
3 for dissolution of marriage if at the time of the dissolution the member has at least five years of
4 credited service pursuant to sections 104.1003 to 104.1093. A division of benefits order issued
5 pursuant to this section:

6 (1) Shall not require the applicable retirement system to provide any form or type of
7 annuity or retirement plan not selected by the member;

8 (2) Shall not require the applicable retirement system to commence payments until the
9 member's annuity starting date;

10 (3) Shall identify the monthly amount to be paid to the former spouse, which shall be
11 expressed as a percentage and which shall not exceed fifty percent of the amount of the member's
12 annuity accrued during all or part of the period of the marriage of the member and former spouse
13 and which shall be based on the member's vested annuity on the date of the dissolution of
14 marriage or an earlier date as specified in the order, which amount shall be adjusted
15 proportionately upon the annuity starting date if the member's annuity is reduced due to the
16 receipt of an early retirement annuity;

17 (4) Shall not require the payment of an annuity amount to the member and former spouse
18 which in total exceeds the amount which the member would have received without regard to the
19 order;

20 (5) Shall provide that any annuity increases, [temporary annuity received pursuant to
21 subsection 4 of section 104.1024,] additional years of credited service, increased final average
22 pay, increased pay pursuant to subsections 2 and 5 of section 104.1084, or other type of increases
23 accrued after the date of the dissolution of marriage **and any temporary annuity received**
24 **pursuant to subsection 4 of section 104.1024** shall accrue solely to the benefit of the member;
25 except that on or after September 1, 2001, any cost-of-living adjustment (COLA) due after the
26 annuity starting date shall not be considered to be an increase accrued after the date of
27 termination of marriage and shall be part of the monthly amount subject to division pursuant to
28 any order issued after September 1, 2001;

29 (6) Shall terminate upon the death of either the member or the former spouse, whichever
30 occurs first;

31 (7) Shall not create an interest which is assignable or subject to any legal process;

32 (8) Shall include the name, address, date of birth, and Social Security number of both
33 the member and the former spouse, and the identity of the retirement system to which it applies;

34 (9) Shall be consistent with any other division of benefits orders which are applicable
35 to the same member.

36 2. A system shall provide the court having jurisdiction of a dissolution of a marriage
37 proceeding or the parties to the proceeding with information necessary to issue a division of
38 benefits order concerning a member of the system, upon written request from either the court,
39 the member, or the member's spouse, citing this section and identifying the case number and
40 parties.

41 3. A system shall have the discretionary authority to reject a division of benefits order
42 for the following reasons:

43 (1) The order does not clearly state the rights of the member and the former spouse;

44 (2) The order is inconsistent with any law governing the retirement system.

104.1072. 1. Each board shall provide or contract, or both, for life insurance benefits
2 for employees covered pursuant to the year 2000 plan as follows:

3 (1) Employees shall be provided fifteen thousand dollars of life insurance until
4 December 31, 2000. Effective January 1, 2001, the system shall provide or contract or both for
5 basic life insurance for employees covered under any retirement plan administered by the system
6 pursuant to this chapter, persons covered by sections 287.812 to 287.856, RSMo, for employees
7 who are members of the judicial retirement system as provided in section 476.590, RSMo, and,
8 at the election of the state highways and transportation commission, employees who are members
9 of the highways and transportation employees' and highway patrol retirement system, in the
10 amount equal to one times annual pay, subject to a minimum amount of fifteen thousand dollars.
11 The board shall establish by rule or contract the method for determining the annual rate of pay
12 and any other terms of such insurance as it deems necessary to implement the requirements
13 pursuant to this section. Annual rate of pay shall not include overtime or any other irregular
14 payments as determined by the board. Such life insurance shall provide for triple indemnity in
15 the event the cause of death is a proximate result of a personal injury or disease arising out of and
16 in the course of actual performance of duty as an employee;

17 (2) Any member who terminates employment after reaching normal or early retirement
18 eligibility and becomes a retiree within sixty days of such termination shall receive five thousand
19 dollars of life insurance coverage.

20 2. (1) In addition to the life insurance authorized by the provisions of subsection 1 of
21 this section, any person for whom life insurance is provided or contracted for pursuant to such
22 subsection may purchase, at the person's own expense and only if monthly voluntary payroll

23 deductions are authorized, additional life insurance at a cost to be stipulated in a contract with
24 a private insurance company or as may be required by a system if the board of trustees
25 determines that the system should provide such insurance itself. The maximum amount of
26 additional life insurance which may be so purchased **prior to January 1, 2004**, is that amount
27 which equals six times the amount of the person's annual rate of pay, subject to any maximum
28 established by a board, except that if such maximum amount is not evenly divisible by one
29 thousand dollars, then the maximum amount of additional insurance which may be purchased
30 is the next higher amount evenly divisible by one thousand dollars. **The maximum amount of**
31 **additional life insurance which may be so purchased on or after January 1, 2004, is an**
32 **amount to be stipulated in a contract with a private insurance company or as may be**
33 **required by the system if the board of trustees determines that the system should provide**
34 **the insurance itself.**

35 (2) Any person defined in subdivision (1) of this subsection may retain an amount not
36 to exceed sixty thousand dollars of life insurance following the date of his or her retirement if
37 such person becomes a retiree the month following termination of employment and makes
38 written application for such life insurance at the same time such person's application is made to
39 the board for retirement benefits. Such life insurance shall only be provided if such person pays
40 the entire cost of the insurance, as determined by the board, by allowing voluntary deductions
41 from the member's annuity.

42 (3) In addition to the life insurance authorized in subdivision (1) of this subsection, any
43 person for whom life insurance is provided or contracted for pursuant to this subsection may
44 purchase, at the person's own expense and only if monthly voluntary payroll deductions are
45 authorized, life insurance covering the person's children or the person's spouse or both at
46 coverage amounts to be determined by the board at a cost to be stipulated in a contract with a
47 private insurer or as may be required by the system if the board of trustees determines that the
48 system should provide such insurance itself.

49 (4) Effective July 1, 2000, any member who applies and is eligible to receive an annuity
50 based on the attainment of at least [fifty] **forty-eight** years of age with a total of years of age and
51 years of credited service which is at least eighty shall be eligible to retain any optional life
52 insurance described in subdivision (1) of this subsection. The amount of such retained insurance
53 shall not be greater than the amount in effect during the month prior to termination of
54 employment. Such insurance may be retained until the member's attainment of the earliest age
55 for eligibility for reduced Social Security retirement benefits at which time the amount of such
56 insurance that may be retained shall be that amount permitted pursuant to subdivision (2) of this
57 subsection.

58 3. The state highways and transportation commission may provide for insurance benefits

59 to cover medical expenses for members of the highways and transportation employees' and
60 highway patrol retirement system. The state highways and transportation commission may
61 provide medical benefits for dependents of members and for retired members. Contributions by
62 the state highways and transportation commission to provide the benefits shall be on the same
63 basis as provided for other state employees pursuant to the provisions of section 104.515. Except
64 as otherwise provided by law, the cost of benefits for dependents of members and for retirees and
65 their dependents shall be paid by the members or retirees. The commission may contract with
66 other persons or entities including but not limited to third- party administrators, health network
67 providers and health maintenance organizations for all, or any part of, the benefits provided for
68 in this section. The commission may require reimbursement of any medical claims paid by the
69 commission's medical plan for which there was third-party liability.

70 4. The highways and transportation employees' and highway patrol retirement system
71 may request the state highways and transportation commission to provide life insurance benefits
72 as required in subsections 1 and 2 of this section. If the state highways and transportation
73 commission agrees to the request, the highways and transportation employees' and highway
74 patrol retirement system shall reimburse the state highways and transportation commission for
75 any and all costs for life insurance provided pursuant to subdivision (2) of subsection 1 of this
76 section. The person who is covered pursuant to subsection 2 of this section shall be solely
77 responsible for the costs of any additional life insurance. In lieu of the life insurance benefit in
78 subdivision (2) of subsection 1 of this section, the highways and transportation employees' and
79 highway patrol retirement system is authorized in its sole discretion to provide a death benefit
80 of five thousand dollars.

81 **5. To the extent that the board enters or has entered into any contract with any**
82 **insurer or service organization to provide life insurance provided for pursuant to this**
83 **section:**

84 **(1) The obligation to provide such life insurance shall be primarily that of the**
85 **insurer or service organization and secondarily that of the board;**

86 **(2) Any member who has been denied life insurance benefits by the insurer or**
87 **service organization and has exhausted all appeal procedures provided by the insurer or**
88 **service organization may appeal such decision by filing a petition against the insurer or**
89 **service organization in a court of law in the member's county of residence;**

90 **(3) The board and the system shall not be liable for life insurance benefits provided**
91 **by an insurer or service organization pursuant to this section and shall not be subject to**
92 **any cause of action with regard to life insurance benefits or the denial of life insurance**
93 **benefits by the insurer or service organization unless the member has obtained judgment**
94 **against the insurer or service organization for life insurance benefits and the insurer or**

95 **service organization is unable to satisfy that judgment.**

104.1084. 1. For members of the general assembly, the provisions of this section shall
2 supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement
3 eligibility" means attainment of age fifty-five for a member who has served at least [three] **two**
4 full biennial assemblies or the attainment of at least age fifty for a member who has served at
5 least [three] **two** full biennial assemblies with a total of years of age and years of credited service
6 which is at least eighty. A member shall receive two years of credited service for every full
7 biennial assembly served. A full biennial assembly shall be equal to the period of time beginning
8 on the first day the general assembly convenes for a first regular session until the last day of the
9 following year. If a member serves less than a full biennial assembly, the member shall receive
10 credited service for the pro rata portion of the full biennial assembly served.

11 2. For the purposes of section 104.1024, the normal retirement annuity of a member of
12 the general assembly shall be an amount for life equal to one twenty-fourth of the monthly pay
13 for a senator or representative on the annuity starting date multiplied by the years of credited
14 service as a member of the general assembly. In no event shall any such member or eligible
15 beneficiary receive annuity amounts in excess of one hundred percent of pay.

16 3. To be covered by the provisions of section 104.1030, or section 104.1036, a member
17 of the general assembly must have served at least [three] **two** full biennial assemblies.

18 4. For members who are statewide elected officials, the provisions of this section shall
19 supplement or replace the indicated other provisions of the year 2000 plan. "Normal retirement
20 eligibility" means attainment of age fifty-five for a member who has served at least four years
21 as a statewide elected official, or the attainment of age fifty with a total of years of age and years
22 of such credited service which is at least eighty.

23 5. For the purposes of section 104.1024, the normal retirement annuity of a member who
24 is a statewide elected official shall be an amount for life equal to one twenty-fourth of the
25 monthly pay in the highest office held by such member on the annuity starting date multiplied
26 by the years of credited service as a statewide elected official not to exceed twelve years.

27 6. To be covered by the provisions of sections 104.1030 and 104.1036, a member who
28 is a statewide elected official must have at least four years as a statewide elected official.

29 7. The provisions of section 104.1045 shall not apply to persons covered by the general
30 assembly and statewide elected official provisions of this section. Persons covered by the
31 general assembly provisions and receiving a year 2000 plan annuity shall be entitled to a
32 cost-of-living adjustment (COLA) when there are increases in pay for members of the general
33 assembly. Persons covered by the statewide elected official provisions and receiving a year 2000
34 plan annuity shall be entitled to COLAs when there are increases in the pay for statewide elected
35 officials in the highest office held by such person. The COLA described in this subsection shall

36 be equal to and concurrent with the percentage increase in pay as described in section 105.005,
37 RSMo. No COLA shall be less than zero.

38 8. Any member who serves under this chapter as a member of the general assembly or
39 as a statewide elected official on or after August 28, 1999, shall not be eligible to receive any
40 retirement benefits from the system under either the closed plan or the year 2000 plan based on
41 service rendered on or after August 28, 1999, as a member of the general assembly or as a
42 statewide elected official if such member is convicted of a felony that is determined by a court
43 of law to have been committed in connection with the member's duties either as a member of the
44 general assembly or as a statewide elected official, unless such conviction is later reversed by
45 a court of law.

46 9. A member of the general assembly who has purchased or transferred creditable service
47 shall not be subject to the cap on benefits pursuant to subsection 2 of this section for that portion
48 of the benefit attributable to the purchased or transferred service.

49 **10. Effective August 28, 2003, any former member of the general assembly who**
50 **served at least two full biennial assemblies and had no creditable service for the same**
51 **period of service in another retirement system shall be made and employed by the board**
52 **as a special consultant on the problems related to retirement and shall, when requested by**
53 **the board, give opinions either written or orally on such problems. As compensation for**
54 **such duties the former member of the general assembly shall be entitled to retire with a**
55 **normal annuity effective the first of the month following receipt by the board of a written**
56 **application. In no event shall retroactive benefits be paid.**

104.1093. 1. For purposes of this section, the term "benefit recipient" shall include any
2 employee, beneficiary or retiree pursuant to sections 104.010 to 104.1093, any administrative
3 law judge, legal advisor or beneficiary as defined pursuant to section 287.812, RSMo, or any
4 judge or beneficiary as defined pursuant to section 476.515, RSMo, or any special commissioner
5 pursuant to section 476.450, RSMo.

6 2. Notwithstanding any provision of law to the contrary, any benefit recipient may
7 designate an agent who shall have the same authority as an agent pursuant to a durable power of
8 attorney pursuant to sections 404.700 to 404.737, RSMo, with regard to the application for and
9 receipt of an annuity or any other benefits. The authority of such agent may be revoked at any
10 time by such benefit recipient. The authority of such agent shall not terminate if such benefit
11 recipient becomes disabled or incapacitated. The designation shall be effective only upon the
12 disability or incapacity of the benefit recipient as determined by that person's physician and
13 communicated in writing to the system.

14 3. In the event a benefit recipient becomes disabled or incapacitated and has not
15 designated an agent pursuant to subsection 2 of this section, the following persons may act as

16 agent as described in subsection 2 of this section upon submission of a written statement from
17 a physician determining that the [beneficiary] **benefit** recipient is disabled or incapacitated:

18 (1) The spouse of the [beneficiary] **benefit** recipient;

19 (2) If the spouse is unavailable, to a child of the [beneficiary] **benefit** recipient;

20 (3) If [a] **no** child is [unavailable] **available**, to a [brother or sister of the beneficiary]
21 **parent of the benefit** recipient;

22 (4) If [a brother or sister is unavailable] **no parent is available**, to a [parent] **brother**
23 **or sister** of the [beneficiary] **benefit** recipient; **or**

24 (5) **If no brother or sister is available, to a niece, nephew, or a grandchild of the**
25 **benefit recipient.**

26 4. The system shall not be liable with regard to any payment made in good faith pursuant
27 to this section.

287.845. 1. The board shall administer the provisions of sections 287.812 to 287.855
2 and shall have the same powers, duties, and obligations in regard to the funds and the system
3 provided for in such sections as it has in regard to the Missouri state employees' retirement
4 system. The system shall calculate the annuity for an administrative law judge or legal advisor,
5 as defined in section 287.812 based on the law in effect at the time the administrative law judge's
6 or legal [advisory's] **advisor's** employment was terminated.

7 2. The commissioner of administration, the state treasurer, and the secretary of the
8 Missouri state employees' retirement system shall perform the same duties in regard to the
9 retirement system established pursuant to the provisions of sections 287.812 to 287.855 that are
10 prescribed for such officers in sections 104.436 and 104.438, RSMo, in regard to the Missouri
11 state employees' retirement system. Funds so certified and transferred for the retirement system
12 established pursuant to the provisions of sections 287.812 to 287.855 shall be deposited in a
13 separate account of the Missouri state employees' retirement fund and shall be disbursed only for
14 the purposes of sections 287.812 to 287.855.

15 **3. Notwithstanding any other provision of law to the contrary, nothing contained**
16 **in this act shall alter or revise the administrative law judge's and legal advisor's retirement**
17 **system as previously established by law.**

488.026. As provided by section 56.807, RSMo, there shall be assessed and collected
2 **a surcharge of six dollars in all criminal cases filed in the courts of this state, including**
3 **violations of any county ordinance or any violation of criminal or traffic laws of this state,**
4 **including infractions, but no such surcharge shall be assessed when the costs are waived**
5 **or are to be paid by the state, county, or municipality or when a criminal proceeding or the**
6 **defendant has been dismissed by the court or against any person who has pled guilty and**
7 **paid their fine pursuant to section 476.385, RSMo. For purposes of this section, the term**

8 "county ordinance" shall include any ordinance of the city of St. Louis. The clerk
9 responsible for collecting court costs in criminal cases shall collect and disburse such
10 amounts as provided by sections 488.010 to 488.020. Such funds shall be payable to the
11 prosecuting attorneys and circuit attorneys' retirement fund.

Section 1. 1. Any state employee or retiree who retires pursuant to section 2 of this
2 act, and is also eligible for medical coverage as described in section 103.115, RSMo, shall
3 be eligible to have the following provisions apply to such coverage:

4 (1) Such retiree may elect to continue coverage for himself or herself and any
5 eligible dependents at the same cost as if such retiree was an active employee;

6 (2) Such retiree may continue to pay the applicable rate as if the retiree were an
7 active employee for a maximum period of five years or upon becoming eligible for
8 Medicare, whichever occurs first;

9 (3) After five years or upon becoming eligible for Medicare, the cost for medical
10 coverage for such retiree and any dependents shall revert to the applicable rate in place at
11 that time; and

12 (4) Any additional years of service credited to such retiree's annuity pursuant to
13 section 2 of this act, shall also be applicable, as appropriate, to the cost of medical coverage
14 upon cessation of the Medical coverage provided pursuant to this section.

15 2. Any employee or retiree of a participating member agency who retires pursuant
16 to section 2 of this act, shall only be eligible to have the provisions of subsection 1 of this
17 section applied to his or her coverage if the governing body of the participating member
18 agency elects to provide such benefits.

19 3. The governing boards of Truman State University, Lincoln University, the
20 educational institutions described in section 174.020, RSMo, the Missouri department of
21 transportation and the Missouri state highway patrol, and the conservation commission
22 of the department of conservation may elect to provide its employees or retirees who retire
23 pursuant to section 2 of this act, the same benefits as described in subsection 1 of this
24 section under the respective medical plans of those institutions and departments.

25 4. The medical coverage provided for a retiree pursuant to this section shall cease
26 immediately upon the reemployment of such retiree in a full-time, state covered position.

Section 2. 1. An employee who has not been a retiree of the system in which such
2 employee is currently receiving creditable or credited service may elect to apply for
3 retirement pursuant to this section and, for purposes of calculating a normal annuity
4 pursuant to section 104.080, 104.090, 104.100, 104.271, or 104.400, RSMo, or a life and any
5 temporary annuity pursuant to section 104.1024, RSMo, may purchase and receive three
6 additional years of creditable or credited service. The additional years of creditable

7 service, at the employee's option, may be added to either the total years of service, or to the
8 employee's age, or any combination of age and service and may be used in meeting the
9 normal retirement eligibility requirements. The election to purchase service and retire
10 shall be subject to the following limitations:

11 (1) An employee shall have been employed continuously for at least one year on and
12 immediately prior to the effective date of this section;

13 (2) An employee shall not elect to retire pursuant to this section unless the
14 employee's annuity payments will commence prior to February 1, 2004;

15 (3) The purchase of creditable service shall be subject to the provisions of
16 subsection 2 of this section;

17 (4) In no event shall an employee who retires pursuant to this section receive an
18 annuity and lump sum payment pursuant to section 104.625 or 104.1024, RSMo, except
19 that such employee shall not be prohibited from the medical coverage provided pursuant
20 to section 1 of this act;

21 (5) This section shall not apply to any early retirement annuity;

22 (6) A retiree shall not elect to retire pursuant to this section unless the retiree has
23 elected to be a special consultant pursuant to subdivision (8) of this subsection prior to
24 February 1, 2004;

25 (7) An employee who is a member of the general assembly or a statewide elected
26 official shall not elect to retire pursuant to this section;

27 (8) A retiree shall be eligible to receive retirement benefits pursuant to this section
28 if the retiree:

29 (a) Is not receiving retirement benefits pursuant to section 104.370, 104.371, or
30 104.1084, RSMo;

31 (b) Terminated employment and within thirty days of such termination retired
32 effective on or after February 1, 2003;

33 (c) Did not make an election to receive an annuity and lump sum payment pursuant
34 to section 104.625 or 104.1024, RSMo, except that any retiree who retires on or after
35 February 1, 2003, but prior to February 1, 2004, shall not be prohibited from the medical
36 coverage provided pursuant to section 1 of this act; and

37 (d) Has elected or does elect to be made, constituted, appointed, and employed by
38 the board as a special consultant on the problems of retirement, aging, and other state
39 matters for compensation and for the remainder of the person's life, and upon request of
40 the board, give opinions, and be available to give opinions in writing, or orally, in response
41 to such requests. The system shall recalculate the retiree's annuity in accordance with this
42 section and shall make a lump sum payment so that the retiree receives an amount equal

43 to the amount the retiree would have received had the retiree originally received retirement
44 benefits pursuant to this section on the retiree's annuity starting date and provide medical
45 coverage pursuant to section 1 of this act, effective on the annuity starting date.

46 2. The purchase of creditable service pursuant to the provisions of subsection 1 of
47 this section shall be affected by the person paying to the system an amount equal to thirty-
48 six multiplied by the contribution rate in effect on the effective date of this section times
49 the final average compensation of the employee or retiree at date of termination or
50 retirement. Such amount shall be collected by the system making twenty-four monthly
51 deductions from the retirement benefits paid pursuant to this section during the first
52 twenty-four months of payment plus simple interest on the unpaid balance unless the
53 person elects to pay such amounts in cash or by using an eligible rollover distribution from
54 an eligible retirement plan in accordance with the provisions of the Internal Revenue Code
55 of 1986, as amended. Payments by cash or rollover must be completed within ninety days
56 of termination of employment, otherwise the system shall collect the amount under the
57 foregoing deduction method. If the retiree dies prior to completing the purchase of service,
58 the amount shall be collected to the extent possible out of the retiree's last monthly
59 payment and out of any survivor benefits payable to a spouse or other beneficiary.

60 3. The state may hire employees to replace those employees retiring pursuant to this
61 section and section 1 of this act during the time period of February 1, 2003, to February
62 1, 2004, except that departments shall not fill more than twenty-five percent of those
63 positions vacated. Exceptions to the twenty-five percent restriction may be made for
64 critical or seasonal positions or positions which are entirely federally funded. Such
65 determination shall be made by rule and regulation promulgated by the personnel advisory
66 board. No rule or portion of a rule promulgated pursuant to the authority of this section
67 or section 1 of this act shall become effective unless it has been promulgated pursuant to
68 chapter 536, RSMo. The provisions of this subsection shall not apply to Truman
69 University, Lincoln University, or the educational institutions described in section 174.020,
70 RSMo.

71 4. Any employee making an election pursuant to the provisions of this section with
72 annual leave accruals in excess of two thousand dollars pursuant to section 36.350, RSMo,
73 shall receive payment for such accruals over a two-year period, with the first payment
74 payable on July 1, 2004, and the second and final payment payable on July 1, 2005. These
75 payments may be contributed into the retiree or employee's section 457 deferred
76 compensation plan in which the retiree or employee is a participant, subject to applicable
77 federal tax law, regulations, and rulings. Any sick leave accrual shall be administered
78 subject to the provisions of section 104.601 and subsection 2 of section 104.1021.

79 **5. Any employee or retiree making an election pursuant to the provisions of this**
80 **section shall be prohibited from employment with any department as defined in this**
81 **chapter for a period of three years from date of election.**

82 **6. The Missouri state employees' retirement system and the highways and**
83 **transportation employees' and highway patrol retirement system shall make a report in**
84 **writing to the governor, commissioner of administration, and the general assembly by**
85 **April 1, 2004, of the effect of state employee retirements pursuant to this section and**
86 **section 1 of this act. The report shall cover the time period of February 1, 2003, to January**
87 **31, 2004. The report shall include the number of such retirements, the amount of payroll**
88 **affected as a result of retirements, and the financial effect of such retirements as expressed**
89 **in a report by each system's actuary.**

90 **7. The office of administration shall make a report in writing to the governor and**
91 **the general assembly by April 1, 2004, of the budgetary effect of state employee retirements**
92 **pursuant to this section and section 1 of this act. The report shall include the amount of**
93 **payroll reduced as a result of such retirements, the number of positions that are core cut**
94 **as a result of such retirements, the number of employees employed to replace those who**
95 **retired pursuant to this section, and the financial effect on the budget, including any costs**
96 **associated with payment of medical premiums by the state.**

97 **8. The Missouri consolidated health care plan shall make a report in writing to the**
98 **governor and the general assembly by April 1, 2004, of the effect of state employee**
99 **retirements pursuant to this section and section 1 of this act. The report may include, and**
100 **not be limited to, the amount of payroll reduced as a result of such retirements, the number**
101 **of positions that are core cut as a result of such retirements, the number of employees**
102 **employed to replace those who retired pursuant to this section, and the financial effect on**
103 **the budget, including any costs associated with payment of medical premiums by the state.**

104 **9. Notwithstanding any provisions of law to the contrary, any purchase of**
105 **creditable or credited service pursuant to this section and any other section pursuant to**
106 **chapter 104, RSMo, shall not exceed any applicable service credit purchase limitations**
107 **contained in Internal Revenue Code Section 415(n).**

Section B. Because the enactment of sections 1 and 2, of section A of this act, are
2 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
3 and are hereby declared to be an emergency act within the meaning of the constitution, the
4 enactment of sections 1 and 2, of section A of this act, shall be in full force and effect upon its
5 passage and approval or July 1, 2003, whichever later occurs.